

The Odisha Gazette

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

No. 494 CUTTACK, THURSDAY, MARCH 21, 2013/FALGUNA 30, 1934

HOME (ELECTIONS) DEPARTMENT

NOTIFICATION

The 14th March 2013

No. 3964—VE(A)-97/2011-Elec.—The following Notification No. 56/2011-PPS-II, dated the 16th September 2011 of Election Commission of India, New Delhi is hereby re-published for general information.

By order
DR. MONA SHARMA
Chief Electoral Officer & Ex officio
Commissioner-cum-Secretary to Government

ELECTION COMMISSION OF INDIA

Nirvachan Sadan
ASHOKA ROAD
New Delhi-110001

No. 56/2011-PPS-II

Dated the 16th September 2011
25th Bhadra, 1933, (Saka)

NOTIFICATION

In exercise of the powers conferred by Article 324 of the Constitution of India read with Rules 5 and 10 of the Conduct of Elections Rules, 1961, and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following Order to further amend the Election Symbols (Reservation and Allotment) Order, 1968, namely :—

1. Short title and commencement :

- (i) This order may be called the Election Symbols (Reservation and Allotment) (Amendment) Order, 2011.
- (ii) It shall come into force with immediate effect.

2. Amendment to paragraph 6-A :—

In the Electoin Symbols (Reservation and Allotment) Order, 1968, (hereinafter referred to as inserted, namely :—

- (v) At the last general election to the House of the People from the State, or at the last general election to the Legislative Assembly of the State, the candidates set up by the Party have secured not less than eight percent of the total valid votes polled in the State.

3. Insertion of new paragraph 10B :—

After paragraph-10A of the Principal Order, the following paragraph shall be inserted :—

“10B-Concession to candidates set up by newly registered (unrecognized) parties and to unrecognized parties which were earlier recognized parties more than 6 years back.

The candidates set up by a registered unrecognized political party at the general election to the Legislative Assembly of a State or to the House of the People, may be allotted a common symbol from the list of free symbols, subject to the fulfillment of the following conditions :—

(A) At a general election to the Legislative Assembly—

- (i) The party sets up candidates at least in 10% (ten percent) of the assembly constituencies in the State, subject to a minimum of five constituencies in States having forty or less seats;
- (ii) The intimation with regard to the serial numbers and names of the constituencies concerned is given by the party to the Commission latest by three clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is to be issued;
- (iii) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission for the election;
- (iv) The party also gives an undertaking that if the party does not set up candidates in the minimum number of the constituencies as prescribed in condition (i) above, its candidates shall not be entitled to allotment of a common symbol on the date of allotment of symbols to them; and, in addition, the party shall be liable for such punitive action as may be permissible under the law for making a false declaration before the Commission.

(B) At a general election to the House of the People—

- (i) The party sets up candidates at least in 10% (ten percent) of the parliamentary constituencies in the State, in which it seeks allotment of a common symbol to its candidates, subject to a minimum of two constituencies in States having less than five parliamentary constituencies allotted to the State;

- (ii) The intimation with regard to the serial numbers and names of the constituencies concerned is given by the party to the Commission latest by three clear days before the date on which the notification (or first of the notifications in the case of a phased election) of the election is to be issued;
- (iii) The party shall give the names of ten symbols, in order of preference, from out of the list of free symbols notified by the Commission for the election;
- (iv) The party also gives an undertaking that if the party does not set up candidates in the minimum number of the constituencies as prescribed in condition (i) above, its candidates shall not be entitled to allotment of a common symbol on the date of allotment of symbols to them; and, in addition, the party shall be liable for such punitive action as may be permissible under the law for making a false declaration before the Commission.

Explanation—

For the removal of doubt, it is hereby clarified that—

- (i) the concession of allotment of common symbol to the candidates of a registered unrecognized party under this paragraph shall be only a one-time facility either at a general election to the House of the People or to a State Legislative Assembly, as the party may choose, and a party that has availed of this concession once shall not be eligible for the concession in any subsequent general election;
- (ii) the symbol allotted as a common symbol to the candidates of a party under this paragraph shall be available for allotment to candidates set up by the other parties or independent candidates in those other constituencies in which that party has not set up its candidates;
- (iii) if two or more parties give preference for the same symbol, then the question of allotment of the symbol to one of such parties shall be decided by draw of lots in such manner as may be directed by the Commission;
- (iv) if it is not possible for the Commission for any reason to allot a common symbol to the candidates of a party from out of the list of symbols from the list of free symbols may be allotted to that party in consultation with party;

- (v) notwithstanding anything contained in paragraph 10-A, a political party which was earlier a recognized political party and which lost its recognition more than 6 years back will also be eligible under this paragraph to the one time concession of allotment of the symbol which was earlier reserved for the party, at a general election to the House of the People or to the Legislative Assembly of a State, held after expiry of six years since the party lost its recognition, subject to the fulfillment of each of the conditions specified under clause(A) or (B), as the case may be, except the condition in sub-clause (iii) thereof .

4. Substitution of clause (c) of sub-paragraph (1) of paragraph-12—

For the existing Clause(c) of sub-paragraph (1) of paragraph-12 of the Principal Order, the following clause shall be substituted, namely, :—

‘(c) a candidate referred to in paragraph 10 or paragraph-10A or paragraph-10B,’.

By Order,
(K.F. WILFRED)
Principal Secretary to the
Election Commission of India